



Entered on Docket  
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Tenth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Gess Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Gess Loan," ("Gess Loan") [DE 8639] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed

1 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from  
2 the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8639] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Gess Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10  
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

|   |   |
|---|---|
| U.S. Trustee: _____   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party: _____  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
6425 Gess, Ltd.  
Multiple Loan Claims**

| <b>Claim</b> | <b>Date<br/>Claim was<br/>Filed</b> | <b>Name</b>                            | <b>Address</b>   | <b>Total Claim<br/>Amount</b> | <b>Approximate Amount<br/>Subject to Objection<br/>Because it Relates to an<br/>Investment In the 6425<br/>Gess, LTD Loan</b> |
|--------------|-------------------------------------|--|--|-------------------------------|---|
| 10725-01564  | 12/7/2006                           | Olds , David M & Sally W<br>H&W As Jt  | c/o Sally W. Olds<br>75 W. End Avenue<br>Apt. C6A<br>New York, NY 10023            | 180,986.34                    | 63,517.24   |
| 10725-01959  | 1/10/2007                           | Osherow Trust Dtd 9/11/89              | Aaron Osherow Trustee<br>8025 Maryland Ave, Apt 10-C<br>Clayton, MO 63105          | 1,088,466.02                  | 50,000.00   |
| 10725-02423  | 1/12/2007                           | Pinsker, Donald H                      | 8650 W Verde Way<br>Las Vegas, NV 89149-4145                                       | 1,633,057.16                  | 50,000.00   |
| 10725-01878  | 1/8/2007                            | Raggi, Dennis                          | Po Box 10475<br>Zephyr Cove, NV 89448  | 10,451.54                     | Unknown   |
| 10725-02226  | 1/12/2007                           | Raggi, Dennis                          | Po Box 10475<br>Zephyr Cove, NV 89448  | 4,884,068.70                  | 300,000.00  |
| 10725-02166  | 1/12/2007                           | Robert G Fuller Ira                    | First Savings Bank Custodian<br>5172 English Daisy Way<br>Las Vegas, NV 89142      | 216,544.66                    | 50,000.00   |
| 10725-01419  | 12/4/2006                           | S&P Davis Limited<br>Partnership       | 737 Bannerman Lane<br>Fort Mill, SC 29715  | 419,981.00                    | 25,000.00   |
| 10725-02217  | 1/12/2007                           | Sanchez Ira, Randy                     | 5713 N White Sands Rd<br>Reno, NV 89511  | 694,063.90                    | 73,000.00   |
| 10725-02149  | 1/12/2007                           | Schnitzer Living Trust Dtd<br>10/24/91 | Arthur F & Linn S Schnitzer Trees<br>20155 Ne 38Th Ct, #1604<br>Aventura, FL 33180 | 3,549,806.80                  | 200,000.00  |
| 10725-01036  | 11/6/2006                           | Sierra West Inc                        | Po Box 8346<br>Incline Village, NV 89452-8346                                      | 425,583.32                    | 100,000.00  |

**EXHIBIT A**

2418603.1